



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert W. Corbin

December 30, 1981

Mr. John T. Hestand
Deputy Pinal County Attorney
P.O. Box 887
Florence, Arizona 85232

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Re: 181-140 (R81-171)

Dear Mr. Hestand:

Pursuant to A.R.S. § 15-253.B we decline to review your opinion dated November 2, 1981, to Dr. W. Dean Skaggs, Superintendent, Casa Grande Elementary School District, concerning student activities funds.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:LPS:ta

ROY A. MENDOZA
PINAL COUNTY ATTORNEY

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OFFICE OF THE

County Attorney

PINAL COUNTY
FLORENCE, ARIZONA 85232

October 28,

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PROSECUTION PROGRAM

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INVESTIGATOR

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11-20-81-jc
LOWE
R81- 171

Dr. W. Dean Skaggs, Superintendent
Casa Grande Elementary School District
1460 N. Pinal Avenue
Casa Grande, Arizona 85222

EDUCATION OPINION

ISSUE NO LATER THAN

1-19-71

Dear Dr. Skaggs:

You requested a County Attorney's Opinion concerning student activities funds. This opinion is based upon the following facts. The district has been raising money over several years from minor fund raising activities. The majority of the funds were raised as profits from the sale of school pictures. At the time the funds were raised there were no formal student organizations.

- QUESTION:
1. Are the funds in question student activities money?
 2. If they are not, what should be done with the accumulated funds?
 3. May a student organization intended to represent the entire student body be comprised of students from only certain grade levels (i.e. 4th thru 6th grade)?

- ANSWERS:
1. No. See body of opinion.
 2. See opinion.
 3. See opinion

OPINION: A. R. S. §15-1121 et seq. (formerly A. R. S. §15-1271 et seq.) governs the use and existence of student activities and auxiliary operations funds. A. R. S. §15-1121 defines student activities monies; it states:

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"All monies raised with the approval of the governing board of a school district by the efforts of students in pursuance of or in connection with all activities of student organizations, clubs, school plays or other student entertainment other than funds specified in Sections 15-1125 and 15-1126 are deemed student activities monies."

A. R. S. §15-1125 defines auxiliary operations:

"The auxiliary operations fund shall consist of all monies raised with the approval of the school district governing board in pursuance of and in connection with all activities of school book stores and athletic activities."

A. R. S. §15-1121 tells the district what to do with funds that are neither student activities monies or auxiliary operations monies. It states:

"Monies received by school districts other than student activities monies or monies from auxiliary operations as provided in Sections 15-1125 and 15-1126 shall be deposited with the county treasurer to the credit of the school district and shall be expended as provided by law for other school funds."

The monies discussed in Question 1 are not auxiliary operations funds because they were not raised in connection with the book store or athletic activities, nor are they student activities monies. Because there were no formal student organizations in existence at the time the funds were raised, the funds could not have been raised by the efforts of the students. It is my understanding that the program was created and operated by faculty of the district. This is not to say that one of the newly organized student activities could not now sponsor this program and have the funds raised by the efforts of the students.

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The second question concerns what should be done with the funds. A. R. S. §15-1221 provides that funds which are neither auxiliary operations funds nor student activities funds, are to be deposited with the county treasurer and treated as other school funds. Therefore, these funds should be deposited to the district's general fund.

The third question concerns what restrictions can be placed on the use of student activities funds raised on behalf of the student body as a whole. Specifically, you questioned whether certain grade levels could be given control over the funds. The plan would be to have a student council with representatives from the fourth through the sixth grade. The reason is the belief by the school principals that students younger than fourth grade are too young to participate in such decisions.

The general rule is that the district may not exercise total control over the student activities monies. In Attorney General Opinion 66-24-C, the Attorney General concurred in an opinion of the then Maricopa County Attorney, Robert Corbin, whose office stated:

"As pointed out in an Attorney General's opinion in 1958, Opinion No. 58-13, a reading of the several sections of the law on student activities money indicates the legislature intended a certain autonomy for student activities funds. The opinion looks to the law of California regarding student activities. Quoting Vol. 14, Opinion of California Attorney General 210, the opinion quotes as follows:

'We think it clear, however, that the above legislation indicates that student body organizations are to be treated as separate entities from school districts. School districts, through their governing boards, are to exercise a guiding control over them, but, save for certain approvals and general regulations, the organizations are comparably free to function and 'conduct activities on behalf of the students.'"

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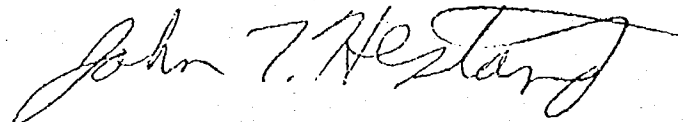
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Thus, while the district may not dictate the use of student activity funds, it may get reasonable guidelines. It is the opinion of this office that it would not be an unreasonable restriction to place a reasonable grade level restriction on the student council which controls how schoolwide student activities monies are to be spent.

If you have any further questions, please don't hesitate to call.

Sincerely,

ROY A. MENDOZA
Pinal County Attorney

A handwritten signature in cursive script, reading "John T. Hestand".

John T. Hestand
Deputy County Attorney

JTH:ct